

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

USIRIDAZH R. MACHSHONBA,)	CASE NO. 1: 09 CV 1166
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>MAGISTRATE'S REPORT AND</u>
)	<u>RECOMMENDATION</u>
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendants.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli. The Report and Recommendation (ECF # 17), issued on May 20, 2010, is hereby ADOPTED by this Court. Plaintiff sought review of the Commissioner's decision denying his application for Supplemental Security Income under Title XVI of the Social Security Act. The Magistrate found that the ALJ's determination was based on an erroneous statement of the factual record, and did not properly apply the correct legal standard with regard to whether the Plaintiff suffered from a severe impairment. The Magistrate, therefore, recommended that the Commissioner's decision be reversed, and the case be remanded for further proceedings. The Defendant has notified the Court that no objections will be filed. (ECF #18).

The Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action*

v. City of Seven Hills, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999), and ADOPTS the Report and Recommendation in its entirety.

IT IS SO ORDERED.

/s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: June 29, 2010